IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12732 of 2005

Between:

1 G. Raja Reddy S/o. G. Rami Reddy
R/o. Gurramvari Kandriga village Thirumalaiah Pilli Post, Vedurukuppam Mandal
Chittoor District.
2 Prameelamma D/o. Subrahmanyam Reddy
R/o. Gurramvari Kandriga village Thirumalaiah Pilli Post, Vedurukuppam Mandal
Chittoor District.
3 G. Ramachandra Reddy S/o. G. Rami Reddy
R/o. Gurramvari Kandriga village Thirumalaiah Pilli Post, Vedurukuppam Mandal
Chittoor District.
4 T. Sarojamma W/o. Gopal Reddy
R/o. Vavilchenu Village, Vedurukuppam Mandal
Chittoor District.
5 G. Subramanya Reddy S/o. G. Rami Reddy
R/o. Gurramvari Kandriga Village Tirumalaiah Pilli Post, Vedurukuppam Mandal
Chittoor District.
6 G. Ramakrishna Reddy S/o. G. Rami Reddy
R/o. Gurramvari Kandriga Village Tirumalaiah Pilli Post, Vedurukuppam Mandal
Chittoor District.
7 B. Jayarami Reddy S/o. B. Chinnanna Reddy
R/o. Allamadugu Village & Post Vedurukuppam Mandal
Chittoor District.

..... PETITIONERS

AND

1 The Chief Commissioner of Land Administration
Nampally Station Road Hyderabad.
2 The Joint Collector
Chittoor District Chittoor.

3 The Mandal Revenue Officer
Vedurukuppam Mandal Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of mandamus declaring the action of the 3rd respondent in proposing to sell away the usufruct by conducting a public auction of the mango garden exiting on our lands situated in Sy.Nos.272/5, 272/1, 272/2 398/2, 273/2, 264/2, 272/1, 273/1, 396/6 and 397/2 to an extent of Ac.5.10 cts, 1.02 cts, 0.25 cts, 0.42 cts, 1.46 cts, 0.72 cts, 3.79 cts, 4.20 cts, 5.11 cts 4.79 cts, 0.59 cts and Ac.1.70 cts respectively, during pendency of the appeal pending before the 1st respondent filed against the orders of the 2nd respondent, as being illegal, arbitrary and consequently set aside the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.T.JAGDISH

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Heard both sides.

In this Writ Petition, petitioners are seeking a Writ of Mandamus, declaring the action of the third respondent in proposing to sell away the usufruct by conducting a public auction of the mango garden existing on the lands of the petitioners situated in S.Nos. 272/5, 272/1, 272/2, 398/2, 273/2, 264/2, 272/1,273/1, 396/6 and 397/2 to an extent of Ac. 5.10 cents, 1.02 cents, 0.25 cents, 0.42 cents, Ac. 1,46 cents, 0.72 cents, 3.79 cents, Ac. 4.20 cents, Ac. 5.11 cents, Ac. 4.79 cents Ac. 0.59 cents and Ac. 1.70 cents respectively, during pending of the appeal pending before the first respondent filed against the orders of the second respondent, as illegal, arbitrary and consequently set aside the same.

The learned counsel appearing for the petitioners submits that as per the paper notification dated 8.6.2005, the date of auction was fixed by the respondents on 13.6.2005, but, some how, the auction was postponed to 20.6.2005. He also submits that the petitioners have preferred an appeal before the first respondent and the same is still pending, therefore, he seeks appropriate direction.

On the other hand, the learned Government Pleader appearing for the respondents submits that the land of the petitioners was resumed by the Government way back in the year 2003 and the Government is in possession of the said land.

Considering the facts and circumstances of the case, as the petitioners have already preferred an appeal before the appellate authority, I deem it appropriate to dispose of the Writ Petition with a direction to the appellate authority to dispose of the appeal within a period of eight weeks from the date of receipt of a copy of this order, in accordance with law after giving an opportunity to the petitioners. However, it is made clear that the respondents shall go on with the auction and they are directed to deposit the sale proceeds of the mangoes before the appellate authority till the disposal of the appeal. No order as to costs.

E. DHARMA RAO, J

DATED: 17/06/2005

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To

1 The Chief Commissioner of Land Administration
Nampally Station Road Hyderabad.
2 The Joint Collector
Chittoor District Chittoor.
3 The Mandal Revenue Officer
Vedurukuppam Mandal Chittoor District.

4. Two CCs to G.P. for Revenue, High Court of A.P., Hyderabad. (OUT)

5. Two CD copies.